

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

**Plaintiff alleges:**

**FIRST CLAIM**

1. Plaintiff, Mircea Blaga, is a seaman and brings this action pursuant to the provisions of 28 U.S.C. §1916 without prepayment of fees, costs or deposit of security.

2. This court has jurisdiction pursuant to §33 of the Merchant Marine Act of 1920, now codified as 46 U.S.C. §30104 et. seq., commonly known as the Jones Act, 28 U.S.C. §1333 and general maritime law of the United States.

1       3. Plaintiff is a U.S. citizen presently residing in Moses Lake,  
2 Washington. At all times of his employment with defendant Seabulk Tankers,  
3 Inc. and/or Seabulk International, Inc., plaintiff resided in Bellingham,  
4 Washington, within the Western District of Washington.

5       4. Plaintiff alleges upon information and belief that at all times  
6 mentioned herein, defendant Seabulk Tankers, Inc. was and now is a Delaware  
7 corporation organized and existing according to law, and doing business in the  
8 Western District of Washington, within this district.

9       5. Plaintiff alleges upon information and belief that at all times  
10 mentioned herein, defendant Seabulk International, Inc. was and now is a  
11 Delaware corporation organized and existing according to law, and doing  
12 business in the Western District of Washington, within this district.

14       6. Plaintiff alleges upon information and belief that at all times  
15 mentioned herein, defendant Seabulk Tankers, Inc. was a subsidiary of  
16 defendant Seabulk International, Inc.

17       7. At all times mentioned herein, the M/V EOT SPAR, Official  
18 No. 1097317, was a U.S. flag fishing vessel operating upon navigable waters of  
19 the United States and high seas.

20       8. Plaintiff alleges upon information and belief that at all times  
21 mentioned herein the said M/V EOT SPAR was manned, operated, maintained  
22 and controlled by defendant Seabulk Tankers, Inc. and/or defendant Seabulk  
23 International, Inc.

1       9. Plaintiff alleges upon information and belief, that at all times  
2 mentioned herein, plaintiff was in the employ of defendant Seabulk Tankers, Inc.  
3 and/or Seabulk International, Inc., as a seaman and member of the crew in the  
4 service of the M/V EOT SPAR.

5       10. Plaintiff alleges upon information and belief, that on or about  
6 January 8, 2010, while plaintiff was engaged in the course of his duties in the  
7 service of said vessel, defendant was negligent in, among other things, causing,  
8 allowing, and permitting the said vessel and her appurtenances to be operated in  
9 such a manner as to unreasonably endanger plaintiff's safety; causing, allowing,  
10 and permitting the vessel and her appurtenances to be in a dangerous, defective  
11 and hazardous condition; failing to warn plaintiff of impending dangers; failing to  
12 provide a seaworthy vessel and a safe method of operation; failing to provide  
13 plaintiff with a safe place in which to work; failing to promulgate and enforce  
14 proper and safe rules of seamanship in the supervision and conduct of the work;  
15 failing to provide plaintiff with a safe place to work; failure to correct known  
16 dangerous conditions; failing to provide sufficient and competent officers and co-  
17 employees; failing to supply proper gear and equipment, and to inspect and  
18 maintain the same in proper order; and otherwise acted so negligently as to  
19 cause and/or allow the doorway / pass through which plaintiff and other  
20 crewmembers had to pass through during the course of their employment to be  
21 at a height that was so low as to require plaintiff and other crew to have to duck  
22 their head when going through the doorway / pass through, failed to have  
23 protective padding on the top of the doorway / pass through so that plaintiff  
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1 struck his head on the metal top of the doorway / pass through when he was  
2 walking through the doorway / pass through, causing injury to plaintiff's head and  
3 body.

4       11. As a result of said incident, plaintiff was hurt and injured in his  
5 health, strength, and activity, sustaining injury to his body and shock and injury to  
6 his nervous system and person, all of which said injuries have caused and  
7 continue to cause plaintiff great mental, physical and nervous pain and suffering,  
8 and plaintiff alleges upon information and belief that said injuries will result in  
9 some permanent disability to plaintiff, all to his general damage according to  
10 proof.  
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12. As a further result of said incident, plaintiff was required to and did  
13 employ physicians and other health care providers for medical examination, care  
14 and treatment of said injuries, and plaintiff alleges upon information and belief  
15 that he may require such services in the future. The cost and reasonable value  
16 of the health care services received and to be received by plaintiff is presently  
17 unknown to him, and plaintiff prays leave to insert the elements of damages in  
18 this respect when the same are finally determined.

19       13. As a further result of said incident, plaintiff has suffered and will  
20       continue in the future to suffer loss of income in a presently unascertained sum.  
21       and plaintiff prays leave to insert the elements of damage in this respect when  
22       the same are finally determined.  
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## **SECOND CLAIM**

1 14. Plaintiff realleges and incorporates herein by reference paragraphs  
2 1 through 13 of his First Claim hereinabove set forth.

3       15. On or about January 8, 2010, while plaintiff was engaged in the  
4 course of his duties in the service of said vessel, the M/V EOT SPAR was  
5 unseaworthy in that, among other things, said vessel and her appurtenances  
6 were being operated in such a manner as to unreasonably endanger plaintiff's  
7 safety; said vessel and her appurtenances were in a dangerous, defective and  
8 hazardous condition; the place where plaintiff was required to work was unsafe;  
9 sufficient and competent officers and co-employees were lacking; sufficient gear  
10 and equipment in proper working order were lacking; work in progress was being  
11 conducted by unsafe methods without sufficient and properly trained personnel  
12 and without adequate supervision; and the said vessel was otherwise so  
13 unseaworthy as to cause and/or allow the doorway / pass through which plaintiff  
14 and other crewmembers had to pass through during the course of their  
15 employment to be at a height that was so low as to require plaintiff and other  
16 crew to have to duck their head when going through the doorway / pass through,  
17 failed to have protective padding on the top of the doorway / pass through so that  
18 plaintiff struck his head on the metal top of the doorway / pass through when he  
19 was walking through the doorway / pass through, causing injury to plaintiff's head  
20 and body.

### **THIRD CLAIM**

24 16. Plaintiff realleges and incorporates herein by reference paragraphs  
25 1 through 15 of his First and Second Claims hereinabove set forth.

1       17. On or about January 8, 2010, plaintiff became injured and disabled  
2 while in the service of the vessel.

3       18. Upon plaintiff's becoming injured and disabled as aforesaid, it  
4 became the duty of defendant to pay to plaintiff the expenses of his maintenance  
5 and cure, as well as his wages to the end of the period of employment for which  
6 plaintiff was engaged, but defendant failed and neglected to make full payment  
7 thereof, despite knowledge of plaintiff's continuing disability.

8       19. By reason of the premises, plaintiff has been damaged in sums  
9 according to proof for maintenance and cure and unearned wages, and  
10 compensatory damages, the precise amounts of which are presently  
11 unascertained, and plaintiff prays leave to insert the elements of damages in this  
12 respect when the same are finally determined.

14       20. By reason of said neglect, plaintiff was obliged to engage the  
15 services of counsel and has incurred and will continue to incur attorneys' fees  
16 and expenses for which plaintiff is entitled to recover.

17       WHEREFORE, plaintiff prays judgment against defendant as follows:

18       1. For his general damages according to proof;  
19       2. For all expenses for health care providers according to proof;  
20       3. For all loss of income past and future according to proof;  
21       4. For maintenance, cure and unearned wages according to proof;  
22       5. For reasonable attorneys' fees and expenses;  
23       6. For prejudgment interest according to general maritime law;  
24       7. For plaintiff's costs of suit incurred herein; and

1           8. For such other and further relief as the Court deems just.

2           DATED this 3<sup>rd</sup> day of January 2013.

3           LAW OFFICE OF DENNIS P. MURPHY, LLC

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5           DENNIS P. MURPHY, WSBA #18645

6           Attorney for Plaintiff

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8           JURY DEMAND

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10          Plaintiff demands a trial by jury on all issues in this cause.

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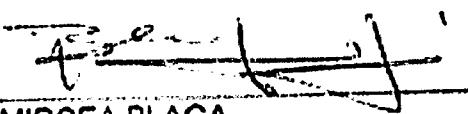
VERIFICATION

I, Mircea Blaga, under penalty of perjury under the laws of the United States, declare as follows:

1. That I am a resident of the State of Washington, and at all times mentioned herein have been a citizen of the United States, and over the age of majority.
2. I have read the foregoing Complaint and the statements made therein are true to the best of my knowledge, information and belief.

Executed at Moses Lake, Washington, this 3<sup>rd</sup> day of January 2013.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

  
MIRCEA BLAGA